

possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

(Feb. 26, 1931, ch. 307, § 1, 46 Stat. 1421; Pub. L. 99-656, § 1(1), Nov. 14, 1986, 100 Stat. 3668.)

AMENDMENTS

1986—Pub. L. 99-656 substituted “interest in accordance with section 258e-1 of this title” for “interest at the rate of 6 per centum per annum” in second par.

SHORT TITLE

Act Feb. 26, 1931, ch. 307, 46 Stat. 1421, as amended, which is classified to section 258a et seq. of this title, is popularly known as the “Declaration of Taking Act”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 258b, 258c, 258d, 258e-1 of this title; title 10 section 7422; title 16 sections 79c, 831c; title 25 sections 500a, 941j, 1724, 1754; title 33 section 598; title 39 section 410; title 42 sections 1502, 1592d, 1594a, 2222, 4651; title 43 section 1522.

§ 258b. Taking in advance of final judgment; appeal or giving of bond as preventing or delaying vesting of title

No appeal in any cause under section 258a of this title nor any bond or undertaking given therein shall operate to prevent or delay the vesting of title to such lands in the United States.

(Feb. 26, 1931, ch. 307, § 2, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258c. Obligation of United States to pay ultimate award when fixed

Action under section 258a of this title irrevocably committing the United States to the payment of the ultimate award shall not be taken unless the chief of the executive department or agency or bureau of the Government empowered to acquire the land shall be of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

(Feb. 26, 1931, ch. 307, § 3, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258d. Taking in advance of final judgment; right as additional to existing rights, powers, and authority

The right to take possession and title in advance of final judgment in condemnation proceedings as provided by section 258a of this title shall be in addition to any right, power, or authority conferred by the laws of the United States or those of any State or Territory under

which such proceedings may be conducted, and shall not be construed as abrogating, limiting, or modifying any such right, power, or authority.

(Feb. 26, 1931, ch. 307, § 4, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258e. Taking in advance of final judgment; demolition of buildings thereon; erection of public buildings or works; funds available for purpose

In any case in which the United States has taken or may take possession of any real property during the course of condemnation proceedings and in advance of final judgment therein and the United States has become irrevocably committed to pay the amount ultimately to be awarded as compensation, it shall be lawful to expend moneys duly appropriated for that purpose in demolishing existing structures on said land and in erecting public buildings or public works thereon: *Provided*, That in the opinion of the Attorney General, the title has been vested in the United States or all persons having an interest therein have been made parties to such proceeding and will be bound by the final judgment therein.

(Feb. 26, 1931, ch. 307, § 5, 46 Stat. 1422; Pub. L. 91-393, § 4, Sept. 1, 1970, 84 Stat. 835.)

AMENDMENTS

1970—Pub. L. 91-393 struck out “, notwithstanding the provisions of section 255 of this title” after “public works thereon”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258e-1. Interest as part of just compensation

Interest required to be paid under sections 258a to 258e-1 of this title shall be calculated by the district court as follows:

(1) Where the period for which interest is owed does not exceed one year, interest shall be calculated for such period from the date of taking at an annual rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of taking.

(2) Where the period for which interest is owed is more than one year, interest for the first year shall be calculated in accordance with paragraph (1) and interest for each additional year shall be calculated on the combined amount of the principal (the amount by which the award of compensation exceeds the deposit referred to in section 258a of this title) and accrued interest at an annual rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the beginning of each additional year.

The Director of the Administrative Office of the United States Courts shall distribute to all Federal courts notice of the rates described in paragraphs (1) and (2).

(Feb. 26, 1931, ch. 307, § 6, as added Pub. L. 99-656, § 1(2), Nov. 14, 1986, 100 Stat. 3668; amended Pub. L. 106-554, § 1(a)(7) [title III, § 307(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-635.)

AMENDMENTS

2000—Pars. (1) and (2). Pub. L. 106-554 substituted “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding” for “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258a of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222.

§ 258f. Exclusion of certain property by stipulation of Attorney General

In any condemnation proceeding instituted by or on behalf of the United States, the Attorney General is authorized to stipulate or agree in behalf of the United States to exclude any property or any part thereof, or any interest therein, that may have been, or may be, taken by or on behalf of the United States by declaration of taking or otherwise.

(Oct. 21, 1942, ch. 618, 56 Stat. 797.)

§§ 259, 260. Repealed. Pub. L. 86-249, § 17(7), (12), Sept. 9, 1959, 73 Stat. 484, 485

Section 259, R.S. § 3734; act June 25, 1910, ch. 383, § 33, 36 Stat. 699, prescribed a limitation on the cost of sites for public buildings.

Section 260, act Mar. 2, 1889, ch. 411, 25 Stat. 941, prohibited payment of commissions for disbursements on account of sites for public buildings, and prescribed the manner of making payments for sites for public buildings under the control of the Treasury Department. See section 601 et seq. of this title.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 261. Contracts authorized within limit of cost fixed, though appropriations are in part only

On and after May 30, 1908, in all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of land for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Administrator of General Services unless otherwise specifically directed, may enter into contracts within the full limit of cost fixed by Congress therefor.

(May 30, 1908, ch. 228, § 34, 35 Stat. 545; 1939 Reorg. Plan No. I, § 303(b), eff. July 1, 1939, 4 F.R.

2729, 53 Stat. 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, including Public Buildings Administration together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency (including the Public Buildings Administration) and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

Functions of Secretary of the Treasury relating to Administration of Public Buildings Branch of former Procurement Division of Treasury Department and to selection of location and sites for public buildings transferred to Federal Works Administrator by Reorg. Plan No. 1 of 1939.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, ch. 288, 63 Stat. 380, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 79g, 460bb-2.

§§ 262 to 265. Repealed. Pub. L. 86-249, § 17(8)–(11), Sept. 9, 1959, 73 Stat. 484, 485

Section 262, acts Mar. 4, 1909, ch. 299, 35 Stat. 959; May 29, 1928, ch. 901, § 1(18), 45 Stat. 987, permitted rental of buildings on lands acquired for sites.

Section 263, act Aug. 7, 1882, ch. 433, 22 Stat. 305, provided that acts passed authorizing purchase of sites and erection of public buildings thereon shall not be held or construed to appropriate money unless the acts in express language make such appropriations.

Section 264, act Mar. 4, 1913, ch. 147, § 5, 37 Stat. 879, placed restrictions on authorizations for construction of post offices.

Section 265, acts June 25, 1910, ch. 383, § 35, 36 Stat. 699; June 15, 1938, ch. 382, 52 Stat. 683, related to construction of buildings for executive departments or establishments. See section 601 et seq. of this title.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 265a. Omitted

CODIFICATION

Section, acts June 26, 1943, ch. 145, title I, 57 Stat. 178; June 27, 1944, ch. 286, title I, 58 Stat. 369; May 3, 1945, ch. 106, title I, 59 Stat. 115; Mar. 28, 1946, ch. 113, title I, 60 Stat. 67, which related to availability of funds for payment of salaries, etc., in connection with construction projects, was not repeated in subsequent appropriation acts and expired with the appropriation acts of which it was a part.

§ 266. Repealed. Oct. 31, 1951, ch. 654, § 1(90), 65 Stat. 705

Section, act Mar. 3, 1903, ch. 1007, 32 Stat. 1091, related to purchase of, and payment for, specially prepared paper for duplication of plans, and payment for other incidental expenses and supplies, in connection with carrying into effect appropriations for public buildings.

§ 267. Repealed. Pub. L. 86-249, § 17(12), Sept. 9, 1959, 73 Stat. 485

Section, R.S. § 3734; act June 25, 1910, ch. 383, § 33, 36 Stat. 699, prohibited expenditures upon public buildings